

ENVIRONMENTAL PROTECTION COMMISSION
SPECIAL MEETING/PUBLIC HEARING
MINUTES

April 11, 2007

Wednesday, April 11, 2007 7:30 p.m. Room 206
Town Hall

Acting Chairman Reese Hutchison called the meeting to order at 7:10 P.M. Commission Members Present: Reese Hutchison, Susan Cameron, Ellen Kirby, Pete Kenyon, Ned Lewis, and Craig Flaherty.

Guests Present: Planning and Zoning Commissioners Fred Conze, David Kenny and Joseph Spain and Bob Steeger, Director of Public Works.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Acting Chairman Reese Hutchison read the first agenda item:

Discussion of flooding issues for the purpose of developing recommendations to the Board of Selectmen.

Mr. Steeger described the Stony Brook flood study which was prepared in the 1970's. He said no studies have been done north of I-95 in any formal way. He said the philosophy of flood control projects is to start at the downstream portion of the watershed.

Mr. Conze said he would like P&Z and EPC to speak with one voice on this subject. He said he would like to see a two tracked approach to the problem. The first would involve immediate remedial maintenance on Stony Brook. The second parallel track would involve Town mapping for storm drains and watercourses and a master drainage study.

Mr. Flaherty said he agreed with that approach and asked Mr. Steeger what mapping was currently available. Mr. Steeger said the current mapping is two dimensional. Mr. Flaherty said it would be good to have the mapping in three dimensions. Mr. Steeger said the City of Norwalk has done some mapping of their drainage system for the cost of \$150,000. Mr. Flaherty said the mapping will help to define the problem and define the level of flooding.

Mr. Conze asked about the effect of the reduction of stream capacity. Mr. Steeger said that smaller streams will overtop the banks more frequently. Mr. Flaherty said there is climatological data showing an increase in rainfall over the last 100 years.

Mr. Kenny said there is an issue of using Town resources vs. working on private property. He said there is a need for education of the community and the need for private owners to take responsibility.

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Mr. Steeger said the Town policy of requiring projects to be designed for no increase in runoff was based on the assumption that the existing drainage system was adequate.

Mr. Spain said the immediate need areas need not be put to the side. The Town can assess stream conditions and pipe conditions. The Town should adopt an ordinance to access for inspection and authority to go on private property.

Ms. Cameron said the Town should look at the existing studies. She agreed with the need for education and additional mapping as a useful tool.

Mr. Hutchison said the Town should look for storage in areas above in the watershed. Mr. Steeger said it would be ideal if storage areas could be found. He said the EPC could consider this as the Flood and Erosion Control Board.

Mr. Flaherty said that drainage is not currently addressed for all projects unless there is a site plan review. He said the Planning and Zoning Regulations could be addressed concerning lot coverage and drainage. Ms. Cameron was also in favor of reviewing the P&Z regulations for drainage and reviewing the watershed implications for construction projects.

The Commissioners discussed the next step in having a drainage study done. Mr. Steeger said they would develop the Request for Proposals in house. He said the study would include reviewing the existing studies of Crimmins Road, Cherry Street and the Renshaw Road Bridge to determine how much refreshing of the information would be required.

Mr. Flaherty said the priority should be given to areas with flooding in the living spaces. There may be alternative solutions which should be considered. He said a small group should put together all of the suggestions and develop an action plan for both Commissions to review.

Mr. Hutchison read the next agenda item.

EPC-22-2007 Mark Fox and Tracy Baumer, 135 Brookside Road, proposing an addition to an existing dwelling.

Mr. Fox represented himself.

Mr. Flaherty said the new plan makes it clear that there is no increase in the footprint in the upland review area.

Mr. Hutchison made a motion to approve the application. Mr. Flaherty seconded the motion and it passed unanimously.

Hutchison read the first public hearing item at 8:40 p.m.

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EPC-06-2007 Joseph and Maria Teresa Criscuolo, 95 Hoyt Street, proposing driveway construction within a regulated area.(continued from March 21, 2007)

Attorney Arthur Engle represented the applicant.

Mr. Hutchison asked if there were members of the public who wished to speak.

Don Bussey, 5 Miller Road asked the Commission to include the entire record of the previous application in this record. Mr. Hutchison said that is not the Commission's policy. Any specific documents provided will be included in the current record.

Mr. Bussey asked the Commission to protect the wetlands. He said the decision should not be made on anything other than the regulations. He said the Zoning Board of Appeals denied them a one foot variance. He said they were told it was unlikely they would get a permit for any part of their house within the 50 foot review area. He said they were told that an approval of a driveway through a wetland was unlikely. He said he is opposed to the application. If 95 Hoyt Street were undeveloped he would have more sympathy.

Mr. Bussey said the driveway is not unsafe and the applicant has not made a strong case. He said Hoyt Street is safer and there is no history of accidents. He said other driveways on Hoyt Street are steeper. He said he does not agree with the statements and assertions made that the wetlands are not worthy of protection. He provided photographs of the wetland. He said there are alternatives and they should not allow the wetland impacts based on the assertions made. He said there was testimony from the neighbors and Matt Popp regarding feasible and prudent alternatives. He said the Commission should deny the application because the damage would be too great and too uncertain. He said the wetland regulations should trump the easement.

Joan Hendrickson of Hoyt Street said she lives adjacent to the Criscuolos. She said the Criscuolo driveway is dangerous and is steeper than Miller Road.

Aldo Criscuolo said he is Mr. Criscuolo's brother and lives at 133 Hoyt Street. He said he has had two accidents going down their driveway. He said Mr. Bussey is not a wetland expert and that the independent expert should be heard.

Diane Miller of Hoyt Court said she would not use the Criscuolo's driveway. She said she uses Miller Road. She said Hoyt Street is a dangerous road.

Debbie Bussey, 5 Miller Road provided information on driveway design.

Mr. Hutchison asked the Town's consultant, Bob Oley, P.E., Land-Tech Consultants to discuss the application. Mr. Oley said he listened to the tapes of the previous meeting. He said that the Criscuolo driveway is actually a 17.4 % grade from Hoyt Street. He said the State requirement would be 3% at Hoyt Street and 13% for the rest of the driveway. He

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said the alternatives proposed by Mr. Popp and the Bussey's would not necessarily be approved by the CT D.O.T. If they allowed more than the 3% grade such as 4% or 5% the D.O.T may have liability. He said there are 5 alternatives which involve re-grading the driveway. He said lowering the driveway landing will affect sight lines which will be worse than the existing sight lines. He said the driveway to the south with the serpentine configuration would not allow trucks to get up the driveway and could not handle a fire truck.

Ms. Cameron asked if trucks could access the new driveway. Mr. Oley said they would need to widen the driveway on the curve to 15-16 feet wide instead of 9. He said the entire driveway needs to be 10 feet wide. He said if the new driveway is approved the turn-out near the house may not be enough.

Mr. Flaherty asked if existing driveway is safe in his opinion. Mr. Oley said he would never design it that way because it would not be safe.

Tom Ryder of Land-Tech Consultants said he had listened to the tapes of the previous hearing. He said the Commission must address the safety issue and whether there are alternatives first. If they find there are not they should address the impacts. He said he reviewed the application for wetland impacts and that he agreed with the applicant's assessment of the wetlands. He said he agrees with the applicant that the primary function of conveying flow will be maintained. He said he does not take wetland impacts lightly. He said that with the disturbance proposed and with the compensation proposed the wetlands will maintain the same functions.

Mr. Flaherty asked, if the driveway is necessary based on the proposal, do the impacts and what is offered balance. Mr. Ryder said yes. Mr. Flaherty asked if the drainage function will meet or exceed the existing. Mr. Ryder said yes. Mr. Flaherty asked if the driveway were widened from 9 to 10 feet would it change his opinion. Mr. Ryder said if the driveway were widened at the radius and encroached into the compensation area that area could be replaced.

Mr. Engle said the expert testimony provided strong evidence on the issue of safety and the alternatives and wetland issues.

Ms. Cameron asked if there were access on the current driveway for an oil truck. Mr. Criscuolo said they do not come all the way into the driveway.

Mr. Flaherty asked if there was enough information to close the public hearing or should it be left open to revise the plan. Mr. Engle said there was a written analysis of the turn-around provided and how the mitigation areas would be affected.

Mr. Ferlow said the driveway is drawn as 10 feet wide with an overrun on either side with underlying stabilization. He said they could change the driveway paving on the existing driveway to grass pavers. He said alternate 2B which is the only one that might

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work is not prudent and would removal of the trees in the front yard. He said the functions of the wetland will continue and with the latest plan they will be able to store 50% of rain events.

Matt Popp, Environmental Land Solutions spoke on behalf of the Busseys. He said the wildlife issue was raised and it was stated that the driveway would not affect wildlife. He said the wetland is not an isolated system with low wildlife value. He said there will be a visual issue with the driveway although the area is not a vista or view area. He said that if the trees in the front yard were his he would remove them. This is not a professional opinion but a personal opinion.

Mr. Engle concluded by submitting a petition in favor of the driveway.

Mr. Kenyon made a motion to close the public hearing. Mr. Flaherty seconded the motion and it passed unanimously.

Mr. Hutchison made a motion to close the public hearing. Ms. Cameron seconded the motion and it passed unanimously. The meeting adjourned at 10:20 p.m.

The meeting adjourned at 10:20 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer